

Wetlands Bureau Decision Report

Decisions Taken
09/29/2008 to 10/05/2008

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2002-01268 FALLS WAY GREENLAND LLC, FRANK CATAPANO GREENLAND Unnamed Wetland

Requested Action:

Fill a total of 42,350 sq. ft. of palustrine wetlands for roadway crossings at 12 locations, including 4,000 square feet for construction of a 100 linear footbridge, for a 79-lot subdivision on 212 acres. Approve as mitigation preservation of a total of approximately 106 acres, consisting of approximately 27 acres of upland and approximately 79 acres of wetland, to be placed in conservation easement and held by the Town of Greenland; and creation of 24,829 sq. ft. (one 10,890 sq. ft. area, and one 13,939 sq. ft. area) of flood plain scrub/shrub and emergent marsh wetlands constructed as compensation for wetland impacts within the 100 year flood plain, and execution of the Atlantic White Cedar Management Plan by Carex Ecosystems dated 12/6/02, rec'd by DES 12/6/02.

Conservation Commission/Staff Comments:

Rec'd 3/30/04 - Greenland Conservation Commission's petition of appeal dated 3/28/04, re: Endicott General Partnership, c/o Malcolm McNeill, Atty., McNeil, Taylor & Gallo, P.A., Dover NH - copies made for Dori and J. Patterson sent messenger mail

Inspection Date: 08/13/2002 by Dori A Wiggin

Inspection Date: 08/13/2002 by David A Price

APPROVE TIME EXTENSION:

Extend permit Duration to November 30, 2010. Fill a total of 42,350 sq. ft. of palustrine wetlands for roadway crossings at 12 locations, including 4,000 square feet for the construction of a 100 linear foot bridge, for a 79-lot subdivision on 212 acres. Approval includes, as mitigation, the preservation of a total of approximately 106 acres, consisting of approximately 27 acres of upland and approximately 79 acres of wetland, to be placed in conservation easement and held by the Town of Greenland; and, creation of 24,829 sq. ft. (one 10,890 sq. ft. area, and one 13,939 sq. ft. area) of flood plain scrub/shrub and emergent marsh wetlands constructed as compensation for wetland impacts within the 100 year flood plain; and, execution of the Atlantic White Cedar Management Plan as prepared by Carex Ecosystems dated 12/6/02, rec'd by DES 12/6/02.

With Conditions:

1. All work shall be in accordance with plans by Beals Associates PLLC dated 3/10/03 for driveway locations; as received by the Department on 3/18/03, and per bridge plan by Beals Associates entitled "Plan and Profile P2" dated 11/12/03, received by DES 11/18/03.
2. This permit is contingent upon submission of, and approval by DES of, revised plans depicting the following:
 - a. Elimination of the road design for the September Drive access, except for such portion outside of wetlands jurisdiction as may be necessary to ensure sufficient road frontage and/or driveway access for lot 1. As noted in the DES decision on reconsideration, DES is willing to consider a proposal, complete with an appropriate showing of need, to construct the September Drive access within the five-year period of this permit, and will not consider such a proposal to be a "further wetlands impact" under Wt 304.09(c). The right-of-way depiction on the plan may remain, and this area may be designated as "potential future emergency access location";
 - b. Replacement of culvert drainage structures with open-bottomed con-span structures, designed in accordance with appropriate drainage calculations, with a minimum vertical clearance of 2 feet, and elimination of associated outlet rip rap, to allow wildlife movement and minimize artificial conditions in wetlands, in the following locations: at station 4+00 between lots 8 and 21; at station 3+00 between lots 28 and 31; and, at station 8+00 between lots 19 and 21.
3. This permit is contingent upon submission of, and approval by DES of, revised Conservation Easement plans depicting the placement of lots 19, 22, and 23 into conservation to further protect wetland and vernal pool resources in these locations; and addition of the 50' upland buffer on lots 15, 16, 17, 18, 24, 26, 27, 28, 29, 36 to protect sensitive wetland resources at these locations.
4. This permit is contingent on approval or sign off by the DES Dam Safety Program.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. This permit is contingent upon submission of restoration plans for areas where wells are proposed to be installed in the natural buffer area of the conservation easement, to prevent any impacts as a result of well installation.

8. Restoration of temporary well installation impact areas shall have at least 75% successful establishment of buffer vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional vegetated buffer is replicated in a manner satisfactory to the DES Wetlands Bureau.
9. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. All designated filter strip areas are to remain natural and untouched, with the exception of enhancement plantings, however no grading or artificial construction of the filter strip shall occur.
12. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
13. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. De-watering water shall be discharged away from water bodies, on stable surfaces, in a non-erosive manner. Additionally, all turbid trench de-watering discharged within one-hundred (100) feet of any water body shall be discharged through a filter bag.
16. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
17. All in-stream work shall be conducted in a manner so as to minimize the duration of construction in the watercourse. The NHDES Wetlands Bureau shall be notified in writing where in-stream construction exceeds 48 continuous hours.
18. Stream banks shall be restored to a stable condition and shall be restored to the same as or better than pre-construction conditions.
19. The applicant shall notify NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
23. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
24. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

Land Resources Preservation:

1. This permit is contingent upon demonstration by the applicant that the Greenland Conservation Commission (or other appropriate town or suitable entity) is willing to accept the conservation easement deeds.
2. This permit is contingent upon submission of, and approval by DES of, revised Conservation Easement plans depicting the placement of lots 19, 22, and 23 into conservation to further protect wetland and vernal pool resources in these locations; and addition of the 50' upland buffer on lots 15, 16, 17, 18, 24, 26, 27, 28, 29, 36 to protect sensitive wetland resources at these locations. This plan shall include revised mitigation acreage totals, based on the changes described herein, for each element of the mitigation. Draft conservation easement language shall be submitted to the Wetlands Bureau and local Conservation Commission for review and approval.
3. This permit is contingent upon the execution of the final conservation easement approved by DES as described in this approval and revised according to condition 2 above.
4. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of the Land Resources Preservation section of this approval.

6. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
7. The final conservation easement plan approved by DES for each appropriate lot within 10 days from receipt of this decision and submit a certified receipt from the Rockingham County Registry of Deeds to the DES Wetlands Bureau.
8. The applicant shall prepare a report summarizing existing conditions within the conservation area. The report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
9. The applicant shall submit seasonal monitoring reports monitoring the health of the vernal pool area over 5 years post-development to assure that the vernal pool located adjacent to the wetlands crossing for the access from Breakfast Hill Rd. is thriving with the 80' minimal buffer area.
10. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
11. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
12. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
13. This permit is contingent upon full implementation of the Atlantic White Cedars Management Plan prepared by Carex Ecosystems dated 12/6/02 as received by DES on 12/6/02.

Wetland construction:

1. This permit is contingent upon the creation of 24,829 sq. ft. of wetlands in accordance with plans received.
2. The schedule for construction of the mitigation area shall coincide with site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.
3. The mitigation area shall be properly constructed, monitored, managed in accordance with approved final mitigation plans, and the entire mitigation area shall be preserved from future development.
4. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. In other areas the permittee considers spreading the spoils, the potential for the establishment of the invasive species should be considered to limit its further establishment.
5. Wetland creation and enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
6. Wetland creation and enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.
7. The permittee shall designate a qualified professional who will have the responsibility to assure that the mitigation area is constructed in accordance with the mitigation plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.
8. The permittee shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.
9. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site.
10. After at least five full growing seasons, the permittee shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as-built plans.
11. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during

construction and during the early stages of vegetative establishment.

With Findings:

1. The applicant was unable to begin work upon issuance of the permit because the project was tied up in extensive litigation.
2. The litigation was resolved on August 2, 2007 leaving the applicant less than two years to start and complete the work.
3. A waiver request for extending the permit duration was received by the department on June 24, 2008 and conforms with Env-Wt 502.10.
4. Granting the waiver request is both legal and reasonable.

2008-01060 THEOBALD REVOC LIVING TRUST, DONNA
RYE Barry Brook

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2006-02630 NH DEPT OF TRANSPORTATION
ORFORD Connecticut River

Requested Action:

Amend permit to:

Remove and existing pipe and catch basing and impact 1,532 sq. ft. of river, bank and channel to stabilize erosion and treat stormwater runoff by constructing a 12 ft. x approximately 850 ft. grassy stepped swale along with pipes and risers; plant river bank. NHDOT project #14953.

Conservation Commission/Staff Comments:

Cons. Comm.- No comment

Conn. River Joint Comm. Comments in jurisdiction are in the permit conditions

APPROVE AMENDMENT:

AMENDMENT

Remove and existing pipe and catch basing and impact 1,532 sq. ft. of river, bank and channel to stabilize erosion and treat stormwater runoff by constructing a 12 ft. x approximately 850 ft. grassy stepped swale along with pipes and risers; plant river bank. NHDOT project #14953.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 06/2008 as received by the Department on June 26, 2008.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting

and pinning on slopes steeper than 3:1.

6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

9. Work shall be done during low flow.

10. Work shall be completed by December 1, 2008.

11. River bank stabilization area shall incorporate plantings as noted on the plans.

12. Constructed swale and banks shall not be tilled, dredged or filled with the exception of maintenance activities of the structures.

13. This applicant shall provide a copy of the drainage easement/ agreement to the file prior to December 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of a stream or river channel and banks.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project in the fall of 2006. Field inspection determined that the flows exceeded the capacity of the drainage structures resulting in erosion and that an emergency permit to stabilize the river bank was warranted.

6. Activities on the property shall be in compliance with RSA 483-B, Comprehensive Shoreland Protection Act.

7. The comments by the Connecticut River Joint Commissions, received by the Department on received on July 24, 2008 have been reviewed and conditions placed on the permit incorporating the comments which are in jurisdiction.

8. The DES is not responsible for coordinating drainage easements across properties of others.

9. After reviewing the Dredge and Fill application file, the DES finds that within the limited area of this project does not require a Comprehensive Shoreland Protection Act permit per rule Env-Wq 1406.03 (a), as the department has determined the property owner has incurred substantial liabilities in a reasonable, good faith reliance on the absence of a controlling law or regulation, sometimes called vested rights.

2007-00598 VERNI, RALPH
NEWBURY Lake Sunapee

Requested Action:

Applicant requests to amend permit to change canopy from 12 ft x 22 ft to 14 ft x 24 ft, correct permit description to indicate second, 3 piling ice cluster as shown on approved plan.

Conservation Commission/Staff Comments:

No comments from Con Com by 06/13/07

APPROVE AMENDMENT:

Amended and correct permit to read: Permanently remove the existing permanent docking facility and construct two 6 ft x 26 ft piling piers connected by a 6 ft x 10 ft permanent walkway accessed by a 6 ft x 4 ft permanent walkway, install a 14 ft x 24 ft seasonal canopy over the center slip with a permanent piling supported boatlift in the center slip, install two, 3 pile ice clusters, remove two existing decks, remove existing stone retaining walls, restabilize the shoreline with native plantings, and construct a 31 ft x 27 ft perched beach on Lake Sunapee, Newbury.

With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates dated March 21, 2007, revision date September 22, 2008, as

received by the Department on September 24, 2008.

2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs shall maintain existing size, location and configuration.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. This permit does not allow for maintenance dredging.
8. The docking facility shall not extend more than 30 ft lakeward at full lake elevation of 1093.15.
9. The minimum clear spacing between piles shall be 12 feet.
10. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
11. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
12. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 1093.15). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
13. The steps installed for access to the water shall be located completely landward of the normal high water line.
14. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
15. This permit shall be used only once, and does not allow for annual beach replenishment.
16. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
17. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
18. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
19. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 200 feet of shoreline frontage along Lake Sunapee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2007-01998 CBAN LLC
SEABROOK Unnamed Wetland

Requested Action:

Dredge and fill 9,963 sq. ft. of previously disturbed palustrine forested/scrub-shrub wetlands for commercial lot development with appurtenant parking and stormwater management and drainage structures on an 11.5 acre parcel of land of which 8.2 acres will be deeded as open space in perpetuity.

Conservation Commission/Staff Comments:

The Seabrook Conservation Commission is not opposed to this project.

Inspection Date: 11/16/2006 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill 9,963 sq. ft. of previously disturbed palustrine forested/scrub-shrub wetlands for commercial lot development with appurtenant parking and stormwater management and drainage structures on an 11.5 acre parcel of land of which 8.2 acres will be deeded as open space in perpetuity.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 11/10/04 (last revised 6/04/08), as received by DES on June 23, 2008.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
3. NH DES Wetlands Bureau Southeast Region staff and the Seabrook Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on November 16, 2006. Field inspection determined this is a highly disturbed site due to previous logging activities, being used as a construction staging area and thus subject to considerable soil compaction.

2008-00300 CONCORD, CITY OF
CONCORD Unnamed Wetland

Requested Action:

Fill 9950 square feet to upgrade and construct a new little league baseball field.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to fill 9950 square feet to upgrade and construct a new little league baseball field.

With Findings:

1. A request for additional information dated May 9, 2008, addressed to the applicant and copied to the agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2008-00435 LAKE UMBAGOG NATIONAL WILDLIFE REFUGE
WENTWORTHS LOCA Turners Mill Pond

Requested Action:

Upgrade an existing natural canoe boat ramp by installing a 12 ft x 17 ft concrete boat ramp in the bank and a 6 ft x 5 ft concrete anchor pad in the bank with a 5 ft x 15 ft seasonal dock attached to a 10 ft x 16 ft floating dock, install a dry hydrant in the bank, on the Magalloway River, Wentworth's Location.

Conservation Commission/Staff Comments:

No Con Com available

APPROVE PERMIT:

Upgrade an existing natural canoe boat ramp by installing a 12 ft x 17 ft concrete boat ramp in the bank and a 6 ft x 5 ft concrete anchor pad in the bank with a 5 ft x 15 ft seasonal dock attached to a 10 ft x 16 ft floating dock, install a dry hydrant in the bank, on the Magalloway River, Wentworth's Location.

With Conditions:

1. All work shall be in accordance with plans by Michael Seraikas as received by DES on September 23, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Appropriate siltation/erosion/turbidity controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Work shall be done during low flow.
6. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into the Magalloway River.
7. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
8. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
9. The boat ramp shall be utilized indefinitely as a public access to Magalloway River and shall not change in use.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
12. Seasonal pier shall be removed from the river for the non-boating season.
13. No portion of the pier shall extend more than 31 feet from the shoreline.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(c), construction of a permanent structure in a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The construction of a dock wider than standard dimensions is required to provide a safe docking system for public access to the waterbody.
5. The applicant has an average of 7200 feet of shoreline frontage along the Magalloway River.
6. A maximum of 97 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

Requested Action:

Dredge and fill 860 square feet and temporarily impact 1,452 square feet of Hoyt Brook to replace the existing 18-foot x 15-foot single span steel bridge with a 40-foot, 6 inch x 24-foot, 6-inch precast concrete bridge (19 feet, 5 inches between abutments).

APPROVE PERMIT:

Dredge and fill 860 square feet and temporarily impact 1,452 square feet of Hoyt Brook to replace the existing 18-foot x 15-foot single span steel bridge with a 40-foot, 6 inch x 24-foot, 6-inch precast concrete bridge (19 feet, 5 inches between abutments).

With Conditions:

1. All work shall be in accordance with plans by SEA Consultants, Inc. dated December 2006, as received by the Department on September 12, 2008.
2. The Town shall obtain temporary construction easements from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2008-00495 prior to construction.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Work shall be done during annual low flow conditions.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. There shall be no excavation or operation of construction equipment in flowing water.
10. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
12. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
13. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
14. Temporary cofferdams shall be entirely removed immediately following construction.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
22. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
23. A post-construction report documenting the status of the completed project and restored stream bed shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

TEMPORARY IMPACT:

24. This permit is contingent upon the restoration of 1,452 square feet of Hoyt Brook stream bed in accordance with plans received September 12, 2008

25. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert, between wingwalls and beyond. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap, with exception of footing protection.

26. The recreated stream channel bed must maintain the natural stream bed elevation.

27. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of a perennial stream.
2. This project was previously submitted under DES file no. 2007-00161.
3. The applicant had revised the original proposal to increase the bridge span to allow for 19.5 feet of natural channel bottom between abutments, an increase of approximately 7 feet from originally proposed, by dropping concrete footings 2 feet.
4. Average channel width up and downstream vary from a more defined channel width of 13.83 feet and a less defined 38.33 feet.
5. This permit is contingent upon receipt of the final construction easements.
6. This permit is contingent on receipt, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
7. The bridge is on the NHDOT Municipal Red List.
8. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, the Conservation Commission or federal agencies.
9. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
10. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
11. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2008-00699 INSURANCE AUTO AUCTIONS INC, MICHAEL WACHOWSKI
SALEM Unnamed Wetland

Requested Action:

Dredge and fill 9,800 sq. ft. of previously disturbed low value wetlands, that developed as a result of soil compaction over buried organic debris, to eliminate ponding after storm events, improve drainage and stabilize the site for use as an automobile storage yard.

Conservation Commission/Staff Comments:

"The Salem Conservation Commission wishes to advise that it has completed its review of the above referenced application, including a site visit, and has voted to recommend approval of the application and the plans as submitted."

APPROVE PERMIT:

Dredge and fill 9,800 sq. ft. of previously disturbed low value wetlands, that developed as a result of soil compaction over buried organic debris, to eliminate ponding after storm events, improve drainage and stabilize the site for use as an automobile storage yard.

With Conditions:

1. All work shall be in accordance with plans by GeoInsight dated 08/26/08, as received by DES on August 28, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.

4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or other construction activities.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The ponding of water that takes place on the site on a seasonal basis is due to the lack of infiltration through the compacted soil surface layers, and is not due to the presence of a seasonal high water table. Well data confirms that the seasonal high water table ranges from 15 inches to 30 inches below the soil surface.

2008-00994 BROWN, RICHARD & JACQUELINE
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Construct two 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway in a "U" shaped configuration, excavate to construct two 6 ft x 4 ft concrete pads, construct a 375 sq ft perched beach, on an average of 150 ft of frontage on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

No Con Com comments by Aug 06, 2008

APPROVE PERMIT:

Construct two 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway in a "U" shaped configuration, excavate to construct two 6 ft x 4 ft concrete pads, construct a 375 sq ft perched beach, on an average of 150 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates revision dated August 22, 2008, as received by DES on September 02, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. All dredged or excavated material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. This shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. All seasonal structures shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
9. The steps installed for access to the water shall be located completely landward of the normal high water line.

10. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 150 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2008-01052 SULLIVAN, TOWN OF
SULLIVAN Unnamed Stream

Requested Action:

Dredge and fill approximately 100 square feet of an unnamed perennial stream to replace an existing 24-inch x 32-foot CMP culvert with an embedded 48-inch x 40-foot corrugated plastic culvert.

APPROVE PERMIT:

Dredge and fill approximately 100 square feet of an unnamed perennial stream to replace an existing 24-inch x 32-foot CMP culvert with an embedded 48-inch x 40-foot corrugated plastic culvert.

With Conditions:

1. All work shall be in accordance with plans by Beaver Tracks as received by the Department on September 19, 2008.
2. Additional requests to dredge and/or fill in this area for road upgrades or for repairs resulting from ongoing erosion or washouts shall not be considered or approved until a complete analysis and assessment has been conducted by the applicant to determine a more effective long-term solution, which alleviates the problem, such as the installation of a spanning structure, i.e. a bridge and open-bottomed culvert.
3. Work shall be done during annual low flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the DES Wetlands Bureau.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather

conditions.

12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
17. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
22. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
24. A post-construction report documenting the status of the completed project shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of a perennial stream.
2. The applicant's NH certified wetland scientist has confirmed the stream's top-of-bank width in the project area is 44-inches.
3. The applicant has revised the proposal to provide a 48-inch culvert, which is double the current hydraulic capacity.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01265 NORTON, CHRISTOPHER & SALLY
CHESTERFIELD Unnamed Wetland

Requested Action:

After-the-fact approval request to retain 11,729 square feet of (includes 2,507 square feet of wetlands restoration) dredge and fill impacts to palustrine forested wetlands for construction of a driveway to a single family residence. Work in wetlands includes retaining 9,222 square feet of wetlands impacts and 3 associated 12 inch x 28 feet culverts and restore 2,507 square feet of wetlands along the east side of the driveway.

DENY AFTER THE FACT:

Deny after-the-fact approval request to retain 11,729 square feet (includes 2,507 square feet of wetlands restoration) of dredge and fill impacts to palustrine forested wetlands for construction of a driveway to a single family residence. Proposed work in wetlands consists of retaining 9,222 square feet of wetlands impacts and 3 associated 12 inch x 28 feet culverts and restore 2,507 square feet of wetlands along the east side of the driveway.

With Findings:

Standard for Approval:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 square feet of wetlands.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Env-Wt 302.01.
4. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. Pursuant to Rule Env-Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, if the project would cause or contribute to significant degradation of waters of the state or if the applicant proposes unnecessary destruction of wetlands.

Findings of Fact:

7. On January 2, 2003, the New Hampshire Department of Environmental Services ("Department") received an application from the applicant for a proposed pond on the property identified on Town of Chesterfield Tax Maps as Map 10, Lot B24.1 ("the Property").
8. On January 30, 2003, the Department issued a permit to dredge and fill approximately 10,600 square feet of wet meadow and Hydric "B" soils to construct a 19,500 square foot recreational pond on the Property.
9. On May 11, 2006, the Department received information alleging that an area at least 500,000 square feet in size had been disturbed on the Property.
10. On June 22, 2006, the Department conducted an inspection of the Property and observed the following deficiencies:
 - a. An area in excess of 100,000 square feet of upland terrain had been cleared and stumped;
 - b. Few and inadequate erosion control measures were installed on the Property;
 - c. Exposed soils had not been stabilized and erosion and sedimentation was evident;
 - d. Sediment appeared to have migrated into jurisdictional wetlands;
 - e. Stockpiles of material on the Property were un-stabilized; and,
 - f. Culverts (wetland crossings) had been installed in jurisdictional wetlands.
11. On December 1, 2006, the Department issued a Letter of Deficiency ("LOD" #WD WQE 06-013) to address the observed deficiencies due to the applicant's failure to voluntarily take corrective measures despite numerous requests to do so by the Department.
12. It was requested in the LOD that all work stop immediately on the Property other than work needed to install erosion control measures necessary to prevent further impact to wetlands; within 10 days of the date of the LOD prepare an erosion control and sediment control plan for the Property, and submit said plan to DES for review; within 30 days of the date of the LOD submit a wetlands restoration plan to DES for review and approval; and, within 45 days of the LOD submit an application for a Site Specific permit to DES for the Property.
13. On February 13, 2007, Department Staff met with the applicant and his agent to discuss the project. It was discussed with the applicant and his agent that the NH Wetlands Bureau's Code of Administrative Rules pertaining to need and minimization and avoidance would need to be met in order to retain any of the wetlands impacts; possible mitigation requirements; the road would need to be moved or a significant reduction in impacts to wetlands would be needed to consider any permitting and the need to demonstrate no uplands or minimal uplands are available for road access. In addition, there was a lack of onsite wetlands delineation information at the time of the meeting and an additional onsite investigation would need to be conducted by the agent and another pre-application meeting.
14. On October 10, 2007, Department Staff met with the applicant and his agent to further discuss the project. The need for further evidence to justify the need for the driveway in its current location, remaining wetland impacts and need to further minimize impacts was discussed during the meeting.
15. On July 7, 2008, the Department received an application for after-the-fact approval to retain 9,222 square feet of dredge and fill impacts to forested wetlands and 3 associated culverts for construction of a driveway to a proposed single family residence and to restore 2,507 square feet of dredge and fill impacts to forested wetlands along the eastern side of the constructed driveway.
16. The application was deemed Administratively Incomplete on July 11, 2008 because it lacked the required New Hampshire Natural Heritage Bureau ("NHB") review documentation.
17. On July 21, 2008, the Department received the required NHB information and the application was deemed Administratively Complete.
18. The applicant contends that the fill and culverts are the minimum necessary to construct a driveway to the location of the

proposed house, the curb cut is located as far as possible from the crest of the hill on Atherton Hill Road to provide maximum site distance and safety, the existing driveway has moderate grades and locating in another areas such as between the pond and forested wetland would required significant cuts and fills and result in steeper grades.

19. The applicant contends that the current locations of the driveway also minimizes impact on public interest factors such as amphibian breeding habitats, grassland, open space, aesthetics and farmland of statewide importance making the proposed driveway the "least environmentally damaging practicable alternative".
20. The Department's review finds that the curb cut could be maintained in its current location with the driveway turning to the west, which would maintain site distance on to Atherton Hill Road and eliminate or significantly reduce any fill in wetlands to construct a driveway to the proposed home.
21. The Department's review finds that the cuts and fills needed to construct the driveway outside of wetlands would result in similar grades and cuts as needed for other portions of the existing driveway and development conducted on the site.
22. The applicant contends the current driveway configuration avoids and minimizes impacts to the pond buffer that is amphibian breeding habitat as well as to grassland habitat and the area identified by the applicant as "Farmland of Statewide Importance".
23. The Department's review finds that the existing pond is a recently constructed manmade pond with forested uplands and wetlands habitat west of the pond and driveway, which likely provides habitat for the identified amphibian populations during the non-breeding season.
24. The Department's review finds that a driveway could be built in the upland field area between the manmade pond and still maintain a vegetated buffer. Additionally, the manmade pond buffer could be further protected by enhancing it with tree and shrub plantings and the use of proper stormwater treatment structures.
25. The Department's review finds that the existing upland farmland has no protection by the NHDDES Wetlands Bureau and could be further development by the applicant or others.
26. The Department's review finds that the site has and is currently being developed with a pond, buildings, roadways and a residence, which limits the viability of the areas identified by the applicant as "Farmland of Statewide Importance" and impacts associated with the relocation of the driveway to uplands would be minimal as compared to the current and proposed development on the site.
27. The previously approved plans for the manmade pond depicts an existing "Woods Road" and a proposed home within the area now identified by the applicant as "Farmland of Statewide Importance".
28. The applicant concedes the proposal does not avoid and minimize impacts to the maximum extend possible but is the only practicable alternative and is the least adverse affect on the interest of the general public.
29. The applicant contends that to require location of the driveway would not be in the public interest.
30. The applicant contends that the project has not resulted in the random or unnecessary destruction of wetlands.
31. The Department's review finds that the project does result in random and unnecessary destruction of wetlands because a roadway could be built and deigned outside of wetlands, which protects the created manmade pond, protects aesthetics of the area and has minimal additional impacts to the are identified by the applicant as Farmland of Statewide Importance, thereby, protecting the interest of the general public.

Findings in Support of Denial:

32. The application is denied as the proposed project does not meet the public purpose as defined in RSA 482-A.
33. The applicant has not addressed Env-Wt 302.01(b), because there are substantial upland areas that could be utilized for the construction of a driveway, therefore, the application is denied in accordance with Env-Wt 302.04(d)(1) as there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction.
34. The applicant has not addressed Env-Wt 302.01(b), because there are substantial upland areas that could be utilized for the construction of a driveway, therefore, the application is denied in accordance with Env-Wt 302.04(d)(3) as the project causes unnecessary destruction of wetlands.
35. The applicant has failed to provide all information required in accordance with Env-Wt 302.04(a), therefore, the application is denied in accordance with Env-Wt 302.04(d)(1),(2) and (3) as there is a more practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction, as the project may cause or contribute to significant degradation of waters of the state and the project causes unnecessary destruction of wetlands.

Requested Action:

Excavate, regrade or otherwise perform construction activities within 550 sq. ft. of previously developed upland tidal buffer zone to raze the existing dwelling and construct a new dwelling supported by concrete piers within the same footprint and reducing the existing impervious surface area by 55 sq. ft.

Conservation Commission/Staff Comments:

"The [Hampton] Conservation Commission does not oppose the granting of a Standard Dredge and Fill permit for the demolition and reconstruction of a residential one family condo at 515 Winnacunnet Rd, unit #7."

Inspection Date: 09/17/2008 by Frank D Richardson

APPROVE PERMIT:

Excavate, regrade or otherwise perform construction activities within 550 sq. ft. of previously developed upland tidal buffer zone to raze the existing dwelling and construct a new dwelling supported by concrete piers within the same footprint and reducing the existing impervious surface area by 55 sq. ft.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 6/23/08 (last revised 8/05/08), as received by DES on September 09, 2008.
2. There shall be no further alteration of areas in NH DES Wetlands jurisdiction for lot development, driveways, or other construction activities.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. NH DES Wetlands Bureau Southeast Region staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(a)&(b).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on September 17, 2008. Field inspection determined this project in the previously developed upland tidal buffer zone will have no adverse impact on the nearby tidal marsh.

2008-01305 MOORE, ROBERT
LISBON Unnamed Wetland

Requested Action:

Dredge and fill approximately 9,066 sq. ft. of wetlands within and adjacent to a gravel borrow pit for construction of a 24,015 sq. ft. wildlife enhancement and fire suppression pond.

APPROVE PERMIT:

Dredge and fill approximately 9,066 sq. ft. of wetlands within and adjacent to a gravel borrow pit for construction of a 24,015 sq. ft. wildlife enhancement and fire suppression pond.

With Conditions:

1. All work shall be in accordance with plans by Presby Construction, Inc., dated July 9, 2008, as received by the Department on July 16, 2008.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on the wetlands and to assure the vegetated wetland buffer between the proposed pond and unnamed streams is maintained in its current native/natural state.
5. There shall be no impacts to the adjacent streams and banks of the adjacent streams for construction or maintenance of the proposed pond.
6. The native wetlands and wetlands vegetation between the proposed pond and adjacent streams shall be maintained in its native condition.
7. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure the pond is constructed in accordance with the approved plans and narratives.
8. A post-construction report documenting the status project area with photographs shall be prepared by a CWS and submitted to the Wetlands Bureau within 60 days of the completion of the pond construction.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Silt fencing must be removed once the area is stabilized.
15. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(e) Construction of a pond with less than 20,000 square feet of impact in a wetland or surface waters, which does not meet the criteria of Env-Wt 303.04(p).
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. The proposed pond utilizes approximately 14,950 sq. ft. of uplands and 9,066 sq. ft. of wetlands. Additionally, the pond location was chosen to restore impacts created from the borrow pit, obtain adequate hydrology and to match the surrounding topography.
5. The proposed pond is for fire suppression and wildlife habitat enhancement.
6. The proposed pond area is adjacent to and within a borrow pit, which includes a wetland area created by excavation of the borrow pit.
7. The proposed project includes removing overburden stockpiles that currently create erosion into the adjacent wetlands.
8. The exposed wetlands soils within the pond construction site will be planted with native wetland plant species.
9. The proposed pond is part of a series of proposed wildlife enhancement projects that includes field reclamation and wildlife viewing trails.
10. The New Hampshire Fish and Game Department did not submit comments.

Requested Action:

Dredge and fill approximately 5,938 sq. ft. (includes 4,891 sq. ft. of temporary impact for access and temporary bridge shoring) of the bed and banks of Beebe River for repairs to an existing covered bridge "Bump Bridge". Work installation of temporary construction access, cofferdams, temporary bridge shoring, repairs and reconstruction of the existing masonry bridge abutments, replacement of timber pier bents, construction of new concrete footings for new pier bents and installation of rip-rap scour protection for the timber bents.

APPROVE PERMIT:

Dredge and fill approximately 5,938 sq. ft. (includes 4,891 sq. ft. of temporary impact for access and temporary bridge shoring) of the bed and banks of Beebe River for repairs to an existing covered bridge "Bump Bridge". Work installation of temporary construction access, cofferdams, temporary bridge shoring, repairs and reconstruction of the existing masonry bridge abutments, replacement of timber pier bents, construction of new concrete footings for new pier bents and installation of rip-rap scour protection for the timber bents.

With Conditions:

1. All work shall be in accordance with plans by Dubois & King Inc., dated August 2008, as received by DES on September 2, 2008 and narratives by 3G Construction Inc., dated September 29, 2008, as received by DES on October 1, 2008.
2. The Town shall obtain temporary construction easements or written permission from affected landowners outside of the existing road right-of-way and shall supply copies of the easements or written permission to DES Wetlands File No. 2008-1793 prior to construction.
3. Work shall be done during low flow.
4. There shall be no excavation or operation of construction equipment in flowing water.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. All temporary impacts to the bed and banks of the stream shall be restored "in-kind". All temporary impacts to the bed of the stream shall be completed with native material similar to that found in the up and downstream reaches of the stream and shall not angular rip-rap.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
15. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. A post-construction report documenting the status of the project shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired

immediately.

20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The proposed bridge repairs will maintain the same hydrological opening.

6. The proposed bridge repairs are needed to prevent collapse of the existing historical covered bridge and to restore access for local residents, businesses and safety equipment.

7. The NH Fish and Game Department did not comment on the proposed project.

MINIMUM IMPACT PROJECT

**2007-01106 INVESTMENT REALTY FUNDING, MEROPE DAYOS
GILFORD Unnamed Stream**

Requested Action:

Replace existing 5-foot X 80 foot CMP culvert with a 5-foot X 80 foot HDPE culvert.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm Emergency Authorization to replace existing 5-foot X 80 foot CMP culvert with a 5-foot X 80 foot HDPE culvert. There shall be no change in the headwall construction.

With Findings:

1. This project is classified as a Minimum impact project per Rule Env-Wt 303.04(x); Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.

2. The project was necessary to replace a failed culvert.

3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on May 24, 2007.

4. Review of the report submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2007-02785 ROCHESTER, CITY OF
ROCHESTER Unnamed Wetland**

Requested Action:

Reconsideration requested by abutters Doug and Michele Grant of permit approval to dredge and fill a total of 2,409 sq. ft. of forested wetlands over 4 locations including crossing #1 with 910 sq. ft. of impact; crossing #2 with 753 sq. ft. of impact and

installation of a 12" x 30' culvert; 30 sq. ft. of grading edge fill impact; and crossing #3 with 716 sq. ft. and installation of a 12" x 30' culvert, for construction of a driveway to reach a privately owned lot located adjacent to, and accessed through, City of Rochester property.

Waive Administrative Rule Env-Wt 304.04, Setback from Property Lines.

Inspection Date: 05/06/2008 by Dori A Wiggin

DENY RECONSIDERATION:

Deny request for reconsideration by abutters Doug and Michele Grant of permit approval. Reaffirm approval to dredge and fill a total of 2,409 sq. ft. of forested wetlands over 4 locations including crossing #1 with 910 sq. ft. of impact; crossing #2 with 753 sq. ft. of impact and installation of a 12" x 30' culvert; 30 sq. ft. of grading edge fill impact; and crossing #3 with 716 sq. ft. and installation of a 12" x 30' culvert, for construction of a driveway to reach a privately owned lot located adjacent to, and accessed through, City of Rochester property; and waive Administrative Rule Env-Wt 304.04, Setback from Property Lines.

With Findings:

1. Standards for Approval

1. In accordance with RSA 482-A:10, II Appeals, "a request for reconsideration shall be filed with the department within 20 days of issuance of the department's decision or order."
2. By statute, the Department has no discretion to waive or extend this deadline.

Findings of Fact

3. The Department issued its decision on the applicant's request to dredge and fill a total of 2,409 sq. ft. of forested wetlands over 4 locations for construction of a driveway to reach a privately owned lot located adjacent to, and accessed through, City of Rochester property; and to waive Administrative Rule Env-Wt 304.04, Setback from Property Lines by way of a letter dated and mailed on 7/31/2008.
4. The deadline to make a request for reconsideration of the Department's decision was 8/20/2008.
5. The Motion for Reconsideration, dated 8/18/2008 was received by the Department on 8/21/2008, 1 day after the issuance of the Department's decision.

Ruling in Support of the Decision

6. The department did not receive a timely request for reconsideration therefore the decision stands as issued.

2008-00340 JEDDREY JR, JOHN
ALTON Unnamed Wetland

Requested Action:

Dredge and fill 2119 square feet of palustrine forested wetland and intermittent stream, including installation of a 24-inch x 50 foot culvert for access to a proposed multi family unit.

APPROVE PERMIT:

Dredge and fill 2119 square feet of palustrine forested wetland and intermittent stream, including installation of a 24-inch x 50 foot culvert for access to a proposed multi family unit.

With Conditions:

1. All work shall be in accordance with plans by Geometres Blue Hills LLC dated February 27, 2008 and revised through September 10, 2008, as received by the Department on September 12, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to

be in stormwater discharged from the completed project.

4. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. Work shall be done during periods of non-flow.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n); Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01032 CHRISTMAS ISLAND CONDO ASSOCIATION
LACONIA Paugus Bay

Requested Action:

Replenish 184 sq ft of existing beach with 10 cubic yards of sand on Lake Winnepesaukee, Laconia.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Replenish 184 sq ft of existing beach with 10 cubic yards of sand on Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans as received by DES on September 18, 2008.
2. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
3. This permit shall be used only once, and does not allow for annual beach replenishment.
4. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), replenishment of a beach with no more than 10 cubic yards of sand.

2008-01101 SPRAGUE ENERGY CORP
NEWINGTON Piscataqua River

Requested Action:

Replace in-kind existing marine terminal approach trestle and catwalks, involving 260 linear feet of structure and 37 H-pilings.

Total piling impact 150 sq. ft.

Inspection Date: 08/28/2008 by Dori A Wiggin

APPROVE PERMIT:

Replace in-kind existing marine terminal approach trestle and catwalks, involving 260 linear feet of structure and 37 H-pilings.

Total piling impact 150 sq. ft.

With Conditions:

1. All work shall be in accordance with plans by Appledore Marine Engineering dated June 2008, as received by DES on 6/19/2008, and per narrative description of debris control by Appledore Marine Engineering dated 8/28/2008, as received by DES on 8/29/2008, and as further conditioned below.
2. Pursuant to the request of the Newington Conservation Commission, the permittee shall retain a qualified consultant to conduct timely periodic inspections to ensure compliance with any applicable permit requirements, water quality, or other applicable regulations.
3. The contractor shall use nets, tarps, work platforms, or other approved equivalent to prevent debris from falling into the resource. The contractor shall remove debris that has fallen into the river, and is notified that underwater inspections may be required and conducted to ensure that all demolition and construction debris has been removed prior to demobilizing.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), repair or replacement in-kind of existing docking structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing structures are deteriorated to the degree of needing replacement.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported associated with the project by the NH Natural Heritage Bureau. The permit includes conditions as requested by the National Marine Fisheries Service in response to their concerns regarding the management of falling construction debris.
5. The Newington Conservation Commission recommends approval contingent upon a permit condition requiring construction oversight by a qualified professional per statement issued 8/15/2008; this condition has been included in the approval.

2008-01242 LEDGES GOLF LINK INC
LOUDON Unnamed Pond

Requested Action:

Dredge and fill 40 square feet to repair existing dry hydrant and retain 60 square feet of impact within the banks of an unnamed pond for the construction of a headwall and install rip rap at the outlet of an existing 12-inch culvert.

APPROVE PERMIT:

Dredge and fill 40 square feet to repair existing dry hydrant and retain 60 square feet of impact within the banks of an unnamed pond for the construction of a headwall and install rip rap at the outlet of an existing 12-inch culvert.

With Conditions:

1. All work shall be in accordance with plans by David B Krause LLS dated December 4, 2007, and revised through xxx as received by the The Dam Safety Bureau on December 19, 2007 and copied into the Wetlands file September 29, 2008.
2. This permit is contingent on approval by the DES Dam Safety.
3. Work shall be done under drawdown conditions
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(w); Excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, for installation of a dry hydrant; and Env-Wt 303.04(x; Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet, provided:
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-01266 VINTAGE LANDS LLC, STANLEY JACKSON
DORCHESTER Unnamed Wetland**

Requested Action:

Proposal to retain a logging road culvert crossing used in a previous logging operation impacting 650 sq. ft. of wetlands and associated intermittent stream for access to a proposed single family home. Work in wetlands includes retaining the 36 in. x 46 ft. HDPE culvert, stone headwalls and modify the crossing to included 6 ft. wide (minimum) grass filter strips along the access roadway adjacent to the crossing.

APPROVE PERMIT:

Approve proposal to retain a logging road culvert crossing used in a previous logging operation impacting 650 sq. ft. of wetlands and associated intermittent stream for access to a proposed single family home. Work in wetlands includes retaining the 36 in. x 46 ft. HDPE culvert, stone headwalls and modify the crossing to included 6 ft. wide (minimum) grass filter strips along the access roadway adjacent to the crossing.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates dated May 10, 2008, as received by DES on July 7, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will

require a new application and approval by the Bureau.

4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. Work shall be done during low flow.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The existing logging road crossing was originally approved through a forestry notification (Wetlands Bureau file #2006-01933)

2008-01295 CRAWFORD, DONALD & RACHEL PERRIN
HUDSON Unnamed Wetland

Requested Action:

Dredge and fill 2,442 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway/culvert crossing to access an 11-lot residential subdivision on a 29 acre parcel of land of which 17 acres will remain as open space.

Conservation Commission/Staff Comments:

No comments were received from the Hudson Conservation Commission regarding this project.

APPROVE PERMIT:

Dredge and fill 2,442 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway/culvert crossing to access an 11-lot residential subdivision on a 29 acre parcel of land of which 17 acres will remain as open space.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstorm Associates, Inc. dated April 2008 (last revised 06/25/08), as received by DES on July 11, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested,

prior to construction.

5. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

FORESTRY NOTIFICATION

2008-01957 GAVIN, FRANCIS & ROBIN
BROOKLINE Unnamed Stream

2008-02011 DUNN TRUST, MARY TYLER
LACONIA Unnamed Stream

COMPLETE NOTIFICATION:
Laconia Tax Map 37, Lot# 260-4

2008-02101 BANFILL, CARROLL & LOIS
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Tamworth Tax Map 203, Lot# 8

2008-02102 HALSEY, MICHAEL & PATRICIA
BATH Unnamed Stream

COMPLETE NOTIFICATION:
Bath Tax Map 8, Lot# 36

2008-02103 BEAUDET, ARTHUR & CHARLOTTE
DUNBARTON Unnamed Stream

COMPLETE NOTIFICATION:
Dunbarton Tax Map C7, Lot# 3-2

2008-02105 BABCOCK, RICHARD
LEE Unnamed Stream

COMPLETE NOTIFICATION:
Lee Tax Map 26, Lot# 8-1, 8-3

2008-02106 HOLBROOK, E ALLEN
RICHMOND Unnamed Stream

COMPLETE NOTIFICATION:
Richmond Tax Map 1B, Lot# 20

2008-02108 NORTHWOODLAND INC
NEWBURY Unnamed Stream

COMPLETE NOTIFICATION:
Newbury Tax Map 24, Lot# 647,336

EXPEDITED MINIMUM

2005-02084 NEXLIFE PROPERTIES LLC
HAMPTON Mill Creek

Requested Action:

Temporarily impact 1,309 square feet within the 100-foot Tidal Buffer zone to remove the existing dwelling, deck, walkway, and shed to replace with a 24'x32'single-family dwelling on a lot of 0.13 acres. The owner requests to amend this permit to include the in-kind replacement of a failed retaining wall and installation of a dry-laid stone wall.

Conservation Commission/Staff Comments:

The Hampton Conservation Commission signed the Minimum Impact Expedited Application.

Inspection Date: 11/15/2005 by Eben M Lewis

APPROVE AMENDMENT:

Temporarily impact 1,309 square feet within the 100-foot Tidal Buffer zone to remove the existing dwelling, deck, walkway, and shed to replace with a 24'x32'single-family dwelling on a lot of 0.13 acres. Amended original approval to include the in-kind replacement of a failed retaining wall and installation of a dry-laid stone wall.

With Conditions:

1. All work shall be in accordance with the folling plans by Millennium Engineering, Inc.:
 - a.) Existing Conditions Plan (Sheet 1 of 2) dated May 31, 2005 as received by the Department on September 6, 2005;
 - b.) Proposed Foundation Plan (Sheet 1 of 2) dated August 2, 2005 and revised August 18, 2005 as received by the Department on September 6, 2005; and,
 - c.) As-built Plan dated May 15, 2008 as received by the Department on September 3, 2008.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for any other construction related activities.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04 (b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. Per Wt 302.01, the need for the proposed impacts has been demonstrated by the applicant as the reconstruction and relocation of the dwelling will be consistent with RSA 483-B.
3. Per Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction as the proposed structure be relocated north (landward) and will be impacting less square footage within the Tidal Buffer Zone than the existing structures.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. NH Natural Heritage Bureau (NHNHB) has record of one natural community within the project vicinity, High salt marsh and related estuarine communities.
6. DES finds that none of the NHNHB identified communities will be impacted as a result of this project, as the property is fully developed and does not support the listed communities.
7. The applicant seeks relief and requests a waiver for Wt 304.04.
8. The applicant attempted to contact the abutters identified as Perkins (Hampton Tax Map 262 Lot 6) and Douglas (Hampton Tax Map 262 Lot 5) via certified mail receipt and did not receive comment or concurrence from said abutters.
9. As proposed, the new single-family dwelling will be 8.0 feet and 18.8 feet from the abutters respectively.
10. On November 15, 2005, DES personnel conducted a field inspection of the property and finds that the current proposal will not have any adverse ecological impact to either abutter and the proposed dwelling will be impacting less square footage within the Tidal Buffer Zone thereby increasing the buffer between the marsh and dwelling.
11. The Department waives Wt 304.04 with the findings that there will be no adverse environmental impacts to the aforementioned abutters.

Requested Action:

Temporarily impact 1,309 square feet within the 100-foot Tidal Buffer zone to remove the existing dwelling, deck, walkway, and shed to replace with a 24'x32'single-family dwelling on a lot of 0.13 acres.

DENY RECONSIDERATION:

Temporarily impact 1,309 square feet within the 100-foot Tidal Buffer zone to remove the existing dwelling, deck, walkway, and shed to replace with a 24'x32'single-family dwelling on a lot of 0.13 acres.

With Findings:

1. Standards for Approval
1. In accordance with RSA 482-A:10, II Appeals, "a request for reconsideration shall be filed with the department within 20 days of issuance of the department's decision or order."
2. By statute, the Department has no discretion to waive or extend this deadline.

Findings of Fact

3. The Department issued its decision on the applicant's request to temporarily impact 1,309 square feet within the 100-foot Tidal Buffer zone to remove the existing dwelling, deck, walkway, and shed to replace with a 24'x32'single-family dwelling on a lot of 0.13 acres. by way of a letter dated January 4, 2006 and mailed on January 6, 2006.
4. The deadline to make a request for reconsideration of the Department's decision was January 24, 2006.
5. The Motion for Reconsideration, dated July 11, 2006 was received by the Department on July 13, 2006, 168 days after the issuance of the Department's decision.

Ruling in Support of the Decision

6. The department is not required by statute to notify abutters of the departments decision.

6. The department did not receive a timely request for reconsideration therefore the decision stands as issued.

2008-00374 MOULTONBOROUGH HOTEL GROUP LLC
TILTON Unnamed Stream

Requested Action:

Temporarily impact 420 square feet along 70 linear feet of perennial stream for installation of a proposed water line.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to temporarily impact 420 square feet along 70 linear feet of perennial stream for installation of a proposed water line.

With Findings:

1. A request for additional information dated April 7, 2008, addressed to the applicant and copied to the agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2008-00407 SCHULZ, EDWARD
ALTON Lake Winnepesaukee

Requested Action:

Amend permit to re-locate the perched beach within 15 feet of the abutters property line.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE AMENDMENT:

Construct a 324 sq ft perched beach on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated September 04, 2008, as received by DES on June 10, 2008, as received by DES on September 15, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.

11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.
2. The applicant submitted a signed letter from the affected abutter to locate the beach 15 feet from the property line.

2008-01388 FELLNER, ERIN
SUGAR HILL Unnamed Wetland

Requested Action:

Dredge and fill approximately 13,200 sq. ft. of Hydric "B" Soil wet meadow wetlands for construction of a wildlife pond.

Conservation Commission/Staff Comments:

1. The Sugar Hill Conservation Commission signed the application waiving their right to intervene. However, they did submit comments requesting that no dredge spoils be used to fill wet areas on the property.

APPROVE PERMIT:

Dredge and fill approximately 13,200 sq. ft. of Hydric "B" Soil wet meadow wetlands for construction of a wildlife pond.

With Conditions:

1. All work shall be in accordance with plans by North Country Land Systems dated May 8, 2008, as received by DES on July 24, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
6. No fill shall be done for lot development.
7. No fill shall take place in Atlantic white cedar swamps.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Work shall be done during low flow.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p) Construction of a pond with less than 20,000 sq. ft. of wetlands impact, provided:
 - (1) None of the wetlands have very poorly drained soil as defined in Env-Ws 1002.84;
 - (2) There are no streams into or out of the proposed pond site;
 - (3) The project is not located in prime wetlands; and
 - (4) The project does not meet the requirements of Env-Wt 303.02(k);
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application

Evaluation, has been considered in the design of the project.

2008-01788 SANBORNTON, TOWN OF
SANBORNTON Unnamed Stream

Requested Action:

Temporarily impact 160 square feet of intermittent stream to replace existing 36-inch x 40 foot CMP with a 36-inch x 40 foot HDPE culvert.

APPROVE PERMIT:

Temporarily impact 160 square feet of intermittent stream to replace existing 36-inch x 40 foot CMP with a 36-inch x 40 foot HDPE culvert.

With Conditions:

1. All work shall be in accordance with plans by The Turner Group dated August 28, 2008, as received by the Department on September 5, 2008.
2. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
3. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. The applicant shall submit copies of the recorded easements for work not within the right-of-way to NH DES Wetlands Bureau prior to the start of work.
5. Work shall be done during periods of non-flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Silt fencing must be removed once the area is stabilized.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01892 SALTMARSH, WARREN & JUDITH
PEMBROKE Unnamed Wetland

Requested Action:

Dredge and fill 480 square feet including installation of an 18-inch x 28 foot culvert for access in the subdivision of approximately 30 acres into two single family residential lots.

APPROVE PERMIT:

Dredge and fill 480 square feet including installation of an 18-inch x 28 foot culvert for access in the subdivision of approximately 30 acres into two single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Services dated August 4, 2008, as received by the Department on September 12, 2008 and Subdivision Plans by JE Belanger Land Surveying, as received by the Department on September 12, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #x of this approval.
5. Work shall be done during periods of non-flow.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Silt fencing must be removed once the area is stabilized.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f; Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02029 ST PIERRE, RALENE
HENNIKER Unnamed Wetland

Requested Action:

Dredge and fill 48 linear feet of intermittent stream and 1,199 square feet of palustrine forested wetlands for the installation of three (3) culverts for common driveway access to two (2) existing lots of record.

APPROVE PERMIT:

Dredge and fill 48 linear feet of intermittent stream and 1,199 square feet of palustrine forested wetlands for the installation of three (3) culverts for common driveway access to two (2) existing lots of record.

With Conditions:

1. All work shall be in accordance with plans by Aspen Environmental Consultants, LLC as received by the Department on September 24, 2008.
2. Work shall be done during dry conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culverts shall be laid at original grade.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands and Env-Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02037 DAUGHERTY, CHRISTIN & MAUREEN
RICHMOND Unnamed Wetland

Requested Action:

Dredge and fill 918 sq. ft. of palustrine forested wetlands to install a 12-inch x 24-foot culvert for driveway access to an existing single family residence lot of record and dredge fill 60 sq. ft. of intermittent stream to install a 12-inch x 12-foot culvert in an existing snowmobile/ATV trail.

APPROVE PERMIT:

Dredge and fill 918 sq. ft. of palustrine forested wetlands to install a 12-inch x 24-foot culvert for driveway access to an existing single family residence lot of record and dredge fill 60 sq. ft. of intermittent stream to install a 12-inch x 12-foot culvert in an existing snowmobile/ATV trail.

With Conditions:

1. All work shall be in accordance with plans by Site Succor Design, LLC dated September 15, 2008, as received by the Department on September 25, 2008.
2. Work shall be done during dry conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culverts shall be laid at original grade.

8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02056 BROWN, CHRISTOPHER
LYNDEBOROUGH Unnamed Wetland

Requested Action:

Dredge and fill 450 sq. ft. of wetlands for the installation of 24-inch x 30-foot culvert for driveway access to a single family residence.

APPROVE PERMIT:

Dredge and fill 450 sq. ft. of wetlands for the installation of 24-inch x 30-foot culvert for driveway access to a single family residence.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated august 27, 2008, as received by the Department on September 26, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during dry conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau and the Conservation Commission signed the Minimum Impact Expedited Application.
3. The proposed crossing will utilize an existing driveway on the abutting property (owned by applicant) to avoid construction in steep grades.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

AGRICULTURE MINIMUM

2008-00999 YEATON, BEAULAH
EPSOM Unnamed Wetland

Requested Action:

Dredge 5430 square feet of poorly drained wetland to rain exiting agricultural field to increase productivity.

APPROVE PERMIT:

Dredge 5430 square feet of poorly drained wetland to rain exiting agricultural field to increase productivity.

With Conditions:

1. All work shall be in accordance with plans by NRCS dated September 2008, as received by the Department on September 4, 2008.
2. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
3. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
4. This permit shall be recorded with the county Registry of Deeds office by the permittee.
5. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
6. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
7. Work shall be done during non-flow.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(u); Maintenance or improvement of existing crop or pasture land for continued agricultural use.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has submitted plans that are in accordance with the county conservation district's standards found within the Best Management Wetland Practices for Agriculture.

TRAILS NOTIFICATION

2008-01849 KENNEDY, RICHARD & KAREN
HOPKINTON Unnamed Stream

COMPLETE NOTIFICATION:
Henniker Tax Map 203, Lot# 8

2008-01850 DURGIN, JEAN
HENNIKER Unnamed Stream

COMPLETE NOTIFICATION:
Henniker Tax Map 1, Lot# 120A-1

2008-01974 VENUTL, RICHARD & HEIDI
GREENVILLE Unnamed Stream

COMPLETE NOTIFICATION:
Greenville Tax Map 1, Lot# 58

X-SHORELAND VARIANCE / WA

2008-01106 WRIGHT, CARLA
NORTHFIELD Sandogardy Pond

Requested Action:

Retain the replacement of an existing primary structure located within the primary building setback (the "Setback"), with a proposed primary structure on property with approximately 380 ft of frontage on Sandogardy Pond in Northfield.

APPROVE CSPA WAIVER:

Retain the replacement of an existing primary structure located within the primary building setback (the "Setback"), with a proposed primary structure on property with approximately 400 ft of frontage on Sandogardy Pond in Northfield.

With Conditions:

1. This Waiver shall not be effective unless and until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
2. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surface, other than those shown on the subsurface plans entitled "effluent disposal system design" within the Setback.
3. This Waiver shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
4. The authorization provided herein is contingent upon the restriction of use within the Setback described above in condition 2. This authorization shall become null and void in the event the Owner or any subsequent owners violate condition 2. In the event condition 2 is violated, the State may seek appropriate relief including, but not limited to, removal of the structure authorized herein.

5. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
6. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
7. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
8. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.

With Findings:

1. The existing structure, as identified on the Town of Northfield Tax Map R08 Lot 70, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The previously existing structure was located approximately 26.5 ft from the reference line, was a single story structure on posts and piers and had an overall footprint of approximately 984 sq ft located within the primary building setback to Sandogardy Pond.
3. The proposed structure shall be located approximately 26.5 ft from the reference line, maintain the previous single story ridgeline height and have footprint of approximately 1,008 sq ft.
4. The property has approximately 400 feet of frontage on Sandogardy Pond and is approximately 50 feet deep.
5. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
6. The Applicant installed a new septic system, file #CA2005074609.
7. The previously existing primary structure was damaged during the winter of 2007-2008. Snow load collapsed the structure.
8. The existing woodland buffer was not disturbed as a result of the demolition and new construction.
9. The Applicant's proposal will not increase the amount of impervious surface within the Setback.
10. The Applicant's proposal is more nearly conforming with RSA 483-B, The Comprehensive Shoreland Protection Act, provides at least the same degree of protection to the public waters, and meets the requirements of RSA 483-B:11, II.

PERMIT BY NOTIFICATION

2008-01744 CROMWELL, GAIL
TEMPLE Unnamed Pond

Requested Action:

Maintenance dredge approximately 600 square feet of the perimeter of an existing pond and install a slide gate in an existing dam.

PBN IS COMPLETE:

Maintenance dredge approximately 600 square feet of the perimeter of an existing pond and install a slide gate in an existing dam.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(3), maintenance dredging that meets the criteria in Env-Wt 303.04(k).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2008-01872 KEEWAYDIN PARK ASSOCIATION
ALTON Lake Winnepesaukee

Conservation Commission/Staff Comments:

Con Com signed PBN on 09/08/08

2008-02005 PSNH
ASHLAND Unnamed Stream

Requested Action:

Temporarily impact 216 square feet of previously disturbed wetland for maintenance of existing utility lines.

PBN IS COMPLETE:

Temporarily impact 216 square feet of previously disturbed wetland for maintenance of existing utility lines.

2008-02031 HARRILL REVOCABLE TRUST, JAMES & DONNA
STRAFFORD Unnamed Wetland

Requested Action:

Temporarily impact 300 sq. ft. of wetland for installation of a residential utility (sewer) line.

PBN IS COMPLETE:

Temporarily impact 300 sq. ft. of wetland for installation of a residential utility (sewer) line.

2008-02052 PSNH
HANCOCK Unnamed Wetland

Requested Action:

Temporarily impact 1,750 square feet and dredge and fill 70 square feet of palustrine emergent wetlands to access and repair damaged pole, guy wires and anchors.

PBN IS COMPLETE:

Temporarily impact 1,750 square feet and dredge and fill 70 square feet of palustrine emergent wetlands to access and repair damaged pole, guy wires and anchors.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(14), temporary impacts associated with the inspection, maintenance and repair of existing utility lines within an existing utility right-of-way that meet the criteria of Env-Wt 303.04(af).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2008-02069 NH FISH & GAME DEPARTMENT
CAMBRIDGE Umbagog Lake

Requested Action:

Proposal to finish work as permitted under file number 2002-769.

With Findings:

Disqualified because the proposed work does is not the repair of existing structures.

2008-02071 BUTCHER, SHIRLEY
DERRY Big Island Pond

Requested Action:

Repair existing retaining wall pursuant to Env-Wt 303.04 (c)

Conservation Commission/Staff Comments:

Con Com signed PBN 12 days after town clerk date

2008-02072 AIKENS AFFORDABLE HOUSING
FARMINGTON Unnamed Wetland

Requested Action:

Temporarily impact 400 sq. ft. of wetlands for installation of a residential utility line (septic force line).

PBN IS COMPLETE:

Temporarily impact 400 sq. ft. of wetlands for installation of a residential utility line (septic force line).

CSPA PERMIT

2008-01324 JACOBY, DOUGLAS
NEW DURHAM Merrymeeting Lake

Requested Action:

Expand the footprint of an existing primary structure.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Expand the footprint of an existing primary structure.

With Findings:

1. A request for additional information dated July 31, 2008, addressed to Douglas D. Jacoby, required the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 483-B:5-a(V)(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2008-01453 CITY OF MANCHESTER, PARKS & RECREAION
MANCHESTER Crystal Lake

Requested Action:

Impact 19,555 sq ft to remove and relocate an existing parking area, construct a playground area and construct treatment swales for surface runoff.

APPROVE PERMIT:

Impact 19,555 sq ft to remove and relocate an existing parking area, construct a playground area and construct treatment swales for surface runoff.

With Conditions:

1. All work shall be in accordance with plans by Kaestle Boos Associates, Inc. and Jesseman Associates, P.C. dated December 11, 2007 and received by the Department of Environmental Services ("DES") on July 30, 2008.
2. No more than 3.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 46,203 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 46,841 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

2008-01465 LOON BEAM LTD PARTNERSHIP
HARRISVILLE Silver Lake

Requested Action:

Impact 600 sq ft to replace piers supporting an existing camp with a proposed frost wall on property having 85 ft of frontage on Silver Lake in Harrisville.

APPROVE PERMIT:

Impact 600 sq ft to replace piers supporting an existing camp with a proposed frost wall on property having 85 ft of frontage on Silver Lake in Harrisville.

With Conditions:

1. All work shall be in accordance with plans by David O'Neil Construction received by the Department of Environmental Services ("DES") on September 5, 2008.
2. No more than 15.71% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 8,250 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,125 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01543 GIBB MATTHEW, C/O BRIAN PETROVICH
ALTON Lake Winnepesaukee

Requested Action:

Impact 2,550 sq ft to construct a primary structure on property with approximately .98 acres on Barndoor Island, on Lake Winnepesaukee, in Alton.

APPROVE PERMIT:

Impact 2,550 sq ft to construct a primary structure on property with approximately .98 acres on Barndoor Island, on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated July 24, 2008 and received by the Department of Environmental Services ("DES") on August 8, 2008.
2. No more than 6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 8,250 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,392.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. In accordance with 483-B:V(a)(2)(vii), a temporary 12 ft wide path from the shoreline for access of construction equipment is allowed.
7. The temporary 12 ft wide access path shall be completely restored and replanted with native vegetation upon completion of construction except as necessary to maintain a permanent 6 ft wide path to the shore.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01691 HOLDRIDGE, DOUGLAD/BARBARA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 676 sq feet to install stone steppers; install a stone pathway; regrade driveway; install stonedrip edge on side of existing house, install catch pipe and install a retaining wall.

Conservation Commission/Staff Comments:

project was not assigned a project category at the time of data entry and therefore did not show in the permitting work queue.
Application lapsed and was deemed approved.

APPROVE PERMIT:

Impact 676 sq feet to install stone steppers; install a stone pathway; regrade driveway; install stonedrip edge on side of existing house, install catch pipe and install a retaining wall.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated August 5, 2008 and received by the Department of Environmental Services ("DES") on August 21, 2008.
2. No more than 19.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 4,467 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,379 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. The proposed beach replenishment requires a wetlands permit and is not permitted with this shoreland permit.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2008-01747 TRANSCANADA HYDRO NORTHEAST INC, TIM DONELON
LITTLETON Moore Reservoir**

Requested Action:

Construction of a proposed gravel parking area and drainage swale.

APPROVE PERMIT:

Construction of a proposed gravel parking area and drainage swale.

With Conditions:

1. All work shall be in accordance with sheet No. 2 of plans by The Louis Berger Group, Inc. dated August 18, 2008 and received by the Department of Environmental Services ("DES") on August 25, 2008.
2. No more than .28% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 5,575,415 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,788,750 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01801 FOSCALDO, KENNETH/LOIS
SUNAPEE Sunapee Lake

Requested Action:

Impact 573 sq ft to replace a failing timber retaining wall and replace and relocate existing wooden stairs.

APPROVE PERMIT:

Impact 573 sq ft to replace a failing timber retaining wall and replace and relocate existing wooden stairs.

With Conditions:

1. All work shall be in accordance with plans by Mathew McClay received by the Department of Environmental Services ("DES") on September 2, 2008.
2. No more than 31% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 450 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 25% of the existing Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b),(2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The project as proposed will result in no increase in the amount of impervious surface on the property.

2008-01804 PUBLIC SERVICE OF NH
MANCHESTER Merrimack River

Requested Action:

Excavation of approximately 200 sq ft for the installation of an underground communications cable.

APPROVE PERMIT:

Excavation of approximately 200 sq ft for the installation of an underground communications cable.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated June 2000 and received by the Department of Environmental Services ("DES") on September 2, 2008.
2. No more than 15.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 20,600 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,300 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. The project shall not impact wildlife identified as sensitive species by the NH Natural Heritage Bureau as there are no impacts proposed within the bank of the Merimack River or within jurisdictional wetlands.

2008-01821 LATRONICO, KENNETH/SUSAN
BRISTOL Newfound Lake

Requested Action:

Impact 484 sq ft to construct a garage adjacent to an existing single family dwelling on property having 84 ft of frontage on Newfound Lake in Bristol.

APPROVE PERMIT:

Impact 484 sq ft to construct a garage adjacent to an existing single family dwelling on property having 84 ft of frontage on Newfound Lake in Bristol.

With Conditions:

1. All work shall be in accordance with plans altered by Ken Latronico as received by the Department of Environmental Services ("DES") on September 2, 2008.
2. No more than 11.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will not reduce the area of the woodland buffer to remain in an unaltered state.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01822 GREENWOOD, JAMES JR & JOYCE
TUFTONBORO Lake Winnepesaukee

Requested Action:

Impact 2,320 sq ft to construct a temporary access road, a single family cottage, and install a septic system on property having 295 ft on frontage on Lake Winnepesaukee, in Tuftonboro.

APPROVE PERMIT:

Impact 2,320 sq ft to construct a temporary access road, a single family cottage, and install a septic system on property having 295 ft on frontage on Lake Winnepesaukee, in Tufonboro.

With Conditions:

1. All work shall be in accordance with plans by T. F. Bernier, Inc. dated August 2008 and received by the Department of Environmental Services ("DES") on September 3, 2008.
2. No more than 13% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 5,800 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,480 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. The temporary access road shall be restored and replanted with native vegetation with the exception of a 6 ft wide footpath to the water in accordance with RSA 483-B:9, V, (a)(2)(D) (viii).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit is contingent on approval of the subsurface system by the DES Subsurface Systems Bureau.

2008-01824 CHRISTENSON, CARL/FAYE
ALTON Lake Winnepesaukee

Requested Action:

Impact 6200 sq ft to replace an existing single family dwelling and patio.

APPROVE PERMIT:

Impact 6200 sq ft to replace an existing single family dwelling and patio.

With Conditions:

1. All work shall be in accordance with building plans and stormwater control plans by Varney Engineering dated August 14, 2008 and received by the Department of Environmental Services ("DES") on September 3, 2008.
2. No more than 22.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 233 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 233 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01828 BENNETT, PHILIP
MOULTONBOROUGH Ledge Pond

Requested Action:

Impact 17,318 sq ft to construct a driveway, a garage with second level apartment, a primary residence and a septic system on property with approximately 840 ft of shoreline frontage on Ledge Pond in Moultonborough.

APPROVE PERMIT:

Impact 17,318 sq ft to construct a driveway, a garage with second level apartment, a primary residence and a septic system on property with approximately 840 ft of shoreline frontage on Ledge Pond in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Philip Bennett dated September 1, 2008 and received by the Department of Environmental Services ("DES") on September 4, 2008.
2. No more than 6.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 64,500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 37,223 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This project should not impact natural communities listed as threatened or endangered by the Natural heritage Bureau as the proposed wetland impact does not take place within proximity to such communities.

2008-01878 LEONARD, GILSENBERG
MEREDITH Lake Waukewan

Requested Action:

Impact 1,434 to expand a single family dwelling on property having 253 ft of shoreline frontage.

APPROVE PERMIT:

Impact 1,434 to expand a single family dwelling on property having 253 ft of shoreline frontage.

With Conditions:

1. All work shall be in accordance with plans by Margaret Gilsenberg dated August 13, 2008 and received by the Department of

Environmental Services ("DES") on September 8, 2008.

2. No more than 8.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 15,004 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 11,447.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-01879 GELATT JR, MILES
DEERFIELD Pleasant Lake

Requested Action:

Impact 814 sq ft to replace an existing outbuilding with a 24 ft x 36 ft garage on property having 240 ft of frontage on Pleasant Lake in Northwood.

APPROVE PERMIT:

Impact 814 sq ft to replace an existing outbuilding with a 24 ft x 36 ft garage on property having 240 ft of frontage on Pleasant Lake in Northwood.

With Conditions:

1. All work shall be in accordance with plans by Gellatt and Willey received by the Department of Environmental Services ("DES") on September 8, 2008.
2. No more than 11.4 % of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 20,536 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,375 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.